



Air Compliance Issues
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Today's Topics

1. Mechanisms by which the Air Division determines compliance
2. Types of violations which engender formal enforcement actions
3. Advice for maintaining compliance



Mechanisms for Determining Compliance

1. Self Reporting
2. Inspections



Self-Reporting

1. Periodic compliance summaries, (Annual compliance statements, etc.)
2. Incident-specific reports (control equipment outages, malfunctions, monitor outages, etc.)
3. Submission of monitoring data (stack tests, continuous monitor data, scrubber pressure drops, etc.)



Inspections

1. Periodic compliance inspections
2. Stack tests performed by ADEM
3. Monitor audits performed by ADEM
4. EPA oversight or targeted inspections

5. Inspections or inquiries caused by:
- a) Complaints
 - b) EPA file audits
 - c) Information from other ADEM media
 - d) Information from other governmental agencies
 - e) Information from competitors
 - f) Information from newspapers, trade journals, etc.
 - g) Whistleblowers



Violations Leading to Formal Enforcement

Time Period: Apr 2008-Mar 2009

- Failing to Conduct/Document All Required Monitoring (21)
- Exceeding Visible Emissions Standards (12)
- Failing a Stack Test (8)
- Failing to Submit Complete, Accurate, and Timely Reports [Annual Compliance Certifications and Monitoring Reports] (7)
- Failing to Properly Maintain and Operate Air Pollution Control Device (7)



Violations Leading to Formal Enforcement

Time Period: Apr 2008-Mar 2009

- Commencing Operation Prior to Receiving Authorization (6)
- Exceeding an Operational Limit (e.g., annual production cap) (5)
- Commencing Construction without a Permit (5)
- Open Burning (4)
- Operating a Gasoline Tank Truck with an Expired Air Sticker (4)
- Failing to Submit a Demolition Notice (Asbestos) (3)



Violations Leading to Formal Enforcement

Time Period: Apr 2008-Mar 2009

- Exceeding Emission Standard (Determined by means other than Stack Testing) (3)
- Failing to Report Deviations within Required Timeframes (2)
- Transferring Gasoline without a Vapor Balance System (2)
- Failing to Perform Initial Compliance Testing (1)
- Submitting Falsified Data (1)



Advice for Maintaining Compliance

1. Read your permit
2. Read regulations as necessary, especially if there are citations to regulations in your permit
3. Have some way to ensure that periodic monitoring is done and that submission deadlines are met, especially when there is staff turnover.
4. Talk to your ADEM contact



Advice for Maintaining Compliance

5. Take advantage of training (you're here, aren't you?)
6. Network with environmental contacts at other facilities
7. Be conservative in your self-reporting
8. Are your compliance obligations so periodic and/or so complex that a consultant is needed?



Advice for Maintaining Compliance

9. For larger facilities, make sure there is a good interface between production, planning, and environmental staffs.
10. Treat your permit as a contract
11. Think of your pollution control equipment as production equipment